



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Am

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/708,898	11/08/2000	Roni Even	ACC3(6544.107870)	3103

29855 7590 05/03/2005

WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI,
P.C.
20333 SH 249
SUITE 600
HOUSTON, TX 77070

EXAMINER

WON, MICHAEL YOUNG

ART UNIT	PAPER NUMBER
----------	--------------

2155

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/708,898

Applicant(s)

EVEN ET AL.

Examiner

Michael Y. Won

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 and 49-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12, 24, 49-57 and 59-64 is/are allowed.
- 6) ☒ Claim(s) 13-23 and 58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. Claims 1, 4-6, 8, 9, 13, 23, and 24 have been amended and new claims 49-64 have been added.
2. Claims 1-24 and 49-64 have been examined and are pending with this action.
3. The rejection under 35 U.S.C. 112 2nd, has been withdrawn.

Allowable Subject Matter

4. Claims 1-12, 24, 49-57, and 59-64 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

As per claims 1, prior art of record does not explicitly teach wherein the central controller identifies "capability factors for each of the multimedia terminals and each of the plurality of multipoint control units" and "responsive to the comparing of capabilities factors", directs a "communicative interconnection between the at least two multimedia terminals via at least two of the plurality of multipoint control units". Therefore, for the reasons above, dependent claims 2-8 and 10-12 are also allowable.

Claims 9 and 24 have been amended to include all the limitations of the base claim and any intervening claims as suggested from the previous office action and for

1

Art Unit: 2155

the reasons specified in the previous office action is considered allowable. In claim 9, prior art of record does not explicitly teach wherein the central controller identifies "capability factors for each of the multimedia terminals and each of the plurality of multipoint control units" and wherein the central controller controls the multipoint control unit participant slots as if it were an additional multipoint control unit". In claim 24, prior art of record does not explicitly teach wherein " a virtual multipoint control unit communicatively interconnected to the plurality of corresponding multipoint control units for controlling the plurality of multipoint control units from a single location". Therefore, for the reasons above, dependent claims 49-57 and 59-64 are also allowable.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 13-14 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Ng et al. (US 5,473,363 A).

As per claim 13, Ng teaches a system for establishing a multimedia communication between a plurality of multimedia terminals using a plurality of multipoint control units in communication with the plurality of multimedia terminals (see Fig.2), the

Art Unit: 2155

system comprising; a virtual multipoint control unit communicatively interconnected to the plurality of multipoint control units for interconnecting the plurality of multimedia terminals in the multimedia communication via at least two of the plurality of multipoint control units (see Fig.2 and col.2, lines 51-53).

As per claim 14, Ng further teaches wherein at least one of the multimedia terminals is an H.320 terminal (see col.3, lines 9-10).

As per claim 23, Ng further teaches wherein the virtual multipoint control unit in communication with the at least two multipoint control units is capable of scheduling and hosting a video conference including terminals connected to at least two of the at least two multipoint control units (see col.13, lines 11-14).

As per claim 58, wherein the virtual multipoint control unit is one of the plurality of multipoint control units (implicit: col.2, lines 51-53).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2155

6. Claims 15-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ng et al. (US 5,473,363 A) in view of Kumar et al. (US 6,006,253 A).

As per claims 15 and 16, Ng does not explicitly teach wherein at least one of the multimedia terminals is an H.323 or H.321 terminal. Kumar teaches wherein at least one of the multimedia terminals is an H.323 terminal (see Fig.1, #112; Fig.2A, #212 & #214; and col.2, lines 63-67) or H.321 terminal (see Fig.1, #162).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Kumar within the system of Ng by implementing H.323 and H.321 terminals within the system for establishing a multimedia communication between a plurality of multimedia terminals because such implementation allows the inter-working of different standards thereby making the system more efficient, easily implementable, and less limited.

As per claims 17, 21, and 22, Ng does not explicitly teach wherein the virtual multipoint control unit is capable of communicating with terminals of H.320, H.321, and H.323 standards. Kumar teaches wherein the virtual multipoint control unit is capable of communicating with terminals of H.320, H.321, and H.323 standards (see col.3, lines 25-39).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Kumar within the system of Ng by implementing H.323 and H.321 terminals within the system for establishing a multimedia communication between a plurality of multimedia terminals because such

implementation allows the inter-working of different standards thereby making the system more efficient, easily implementable, and less limited.

As per claims 18, 19, and 20, Ng does not explicitly teach wherein the multimedia terminals can communicate over an ATM network, LAN/Internet network, and ISDN network, respectively. Kumar further teaches wherein the multimedia terminals can communicate over an ATM network (see Fig.1, #160 and col.3, lines 31-39), LAN/Internet network (see Fig.1, #140; col.1, lines 19-23; and col.3, lines 31-39), and ISDN network (see Fig.1, #150 and col.3, lines 31-39).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Kumar within the system of Ng by implementing various networks within the system for establishing a multimedia communication between a plurality of multimedia terminals because such implementation allows conference sessions to be initiated among disparate networks thereby making the system more efficient, easily implementable, and less limited.

Response to Arguments

7. In response to the argument regarding the rejection of claims 8 and 9 under 35 USC 112, 2nd, the rejection has been withdrawn.

In response to the arguments regarding claim 1, claim 1 has been found allowable over prior art based on the arguments and the reasons set forth above (see

section 4 of this office action). Therefore all of the dependent claims, which depend on claim 1, are allowable.

Claim 13 has been rejected because claim 13 only teach a mere interconnection of plural interconnection of terminals via at least two MCU's, which is clearly taught by *Ng et al.* (UC 5,473,363 A). The arguments regarding the reference *Kumar* have been considered but are moot in view of the new ground(s) of rejection.

Claims 9 and 24 have been found to be allowable over prior art based on the arguments and reasons set forth above (see section 4 of this office action).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2155

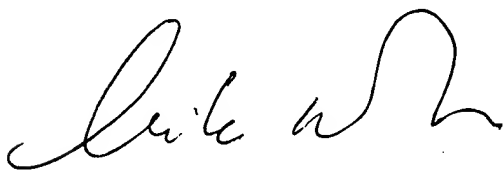
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y. Won whose telephone number is 571-272-3993. The examiner can normally be reached on M-Th: 7AM-5PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Won



April 18, 2005



ARIO/ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100